

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

THOMAS M. SEARS,)	Case No.: 5:11-cv-01876-LHK
)	
Plaintiff,)	ORDER GRANTING <i>EX PARTE</i>
)	MOTION FOR RELIEF
v.)	
)	
COUNTY OF MONTEREY and HOUSING)	
AUTHORITY OF THE COUNTY OF)	
MONTEREY, as California Government Entity)	
Employers, MONTEREY COUNTY HOUSING)	
AUTHORITY DEVELOPMENT)	
CORPORATION, as a California Non-Profit)	
Entity Employer, CSI HR GROUP, LLC, as a)	
For Profit Entity, STARLA K. WARREN, as an)	
Individual and Employee or Agent of Entity)	
Defendants, and DOES 1-50,)	
)	
Defendants.)	

The Court concludes that Plaintiff's failure to timely file his Opposition to Defendant Housing Authority of the County of Monterey's ("Defendant") Motion to Dismiss Plaintiff's Second Amended Complaint ("Motion to Dismiss") was due to the excusable neglect of Plaintiff's counsel. Accordingly, the Court GRANTS Plaintiff's request that his time to file his Opposition to the Motion to Dismiss ("Opposition") be extended. Plaintiff is ordered to file his Opposition by

September 28, 2012. Defendant is permitted to file a supplemental reply addressing Plaintiff's Opposition by October 5, 2012.¹

IT IS SO ORDERED.

Dated: September 25, 2012



LUCY H. KOH
United States District Judge

¹ The Court notes that neither Federal Rule of Civil Procedure 60 nor Local Rule 7-10 authorizes Plaintiff to move *ex parte* for an order extending Plaintiff's time to respond to a motion. In the future, Plaintiff should seek relief by filing a motion or a stipulation pursuant to Local Rule 6-3.